

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 2493 - SB 2371

January 31, 2012

SUMMARY OF BILL: Defines “commercial sex act” as any sexual act for which something of value is given or received. Replaces the existing Class B felony offense of “trafficking for sexual servitude” with “trafficking a person for a commercial sex act” and adds the attempt to subject, benefit from, or attempt to benefit from another person’s provision of a commercial sex act. Requires a person who is convicted of a commercial sex act offense to register with the Tennessee Bureau of Investigation (TBI) pursuant to the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004. Elevates the offense to a Class A felony if the victim is a child between 13 and 15 years of age.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$73,000/Incarceration*

Assumptions:

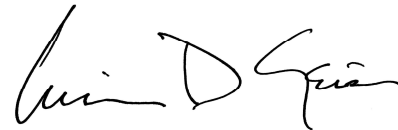
- According to the Department of Correction (DOC), there has been an average of 0.33 admissions in each of the past three years for trafficking for sexual servitude offenses. Changing the name of the offense and adding the attempt to subject, benefit from, or attempt to benefit from another person’s provision of a commercial sexual act will not have a significant impact to the number of admissions to DOC. No significant fiscal impact for these Class B offenses.
- DOC assumes there will be one offender every three years who will receive a Class A felony rather than a Class B felony due to the age of the victim and will serve additional time on their sentence.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every three years serving additional time on their sentence.
- According to DOC, the average operating cost per offender per day for calendar year 2012 is \$61.36. The average post-conviction time served for a Class B felony is 5.43 years (1,983.31 days) and for a Class A felony is 15.30 years (5,588.33 days). This bill will result in an offender, convicted of a commercial sex act involving a child between the ages of 13 and 15, serving an additional 9.87 years (15.30 years – 5.43 years).

- The additional cost of increasing the average sentence length by 9.87 years (3,605.02 days) is \$221,204.03 (\$61.36 x 3,605.02 days). The annualized cost per conviction is \$72,997.33 (0.33 annual number of convictions x \$221,204.03).
- Due to the small number of offenders no recidivism discount has been applied for these offenses.
- No additional incarceration costs will be incurred by DOC for offenders who fail to register on the sex offender registry (SOR) with TBI. Such violation is punishable as a Class E felony.
- No significant fiscal impact to the TBI to make changes to the SOR. Any cost can be accommodated within existing resources without an increased appropriation or reduced reversion.
- No significant fiscal impact to the District Public Defenders Conference or the District Attorney Generals Conference due to the small increase in offenders.
- Any impact to the caseloads of state trial courts can be accommodated within existing judicial resources without an increased appropriation or reduced reversion.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

/lsc